

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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FRANKIE PIÑERO, :  
: Plaintiff, : 10 Civ. 4803 (JSR)  
: :  
: -v- : ORDER  
: :  
JOHN CASEY; ROCKLAND COUNTY NARCOTIC :  
TASK FORCE, WILLIAM CLARK (CHIEF) OF :  
THE ROCKLAND COUNTY OF THE :  
CORRECTIONAL FACILITY, AND THOMAS :  
ZUGIBE; HEAD DISTRICT ATTORNEY, MARIA :  
T. DESIMONE; SENIOR ASSISTANCE :  
DISTRICT ATTORNEY, DAVID AS (JOHN :  
DOE) DELAROSA; POLICE OFFICER OF THE :  
HAVERSTRAW TOWN POLICE DEPARTMENT, :  
: Defendants.  
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3/29/12

JED S. RAKOFF, U.S.D.J.

On March 13, 2012, the Honorable James C. Francis IV, United States Magistrate Judge, issued a Report and Recommendation in the above-captioned matter recommending granting defendants' motion to dismiss plaintiff's action brought under 42 U.S.C. § 1983.

Plaintiff has failed to file any objection to the Report and Recommendation, and, for that reason alone, has waived any right to review by this Court. See Thomas v. Arn, 474 U.S. 140, 147-48 (1985); Mario v. P & C Food Markets, Inc., 313 F.3d 758, 766 (2d Cir. 2002); Spence v. Superintendent, Great Meadow Corr. Facility, 219 F.3d 162, 174 (2d Cir. 2000). Accordingly, the Court hereby adopts the Report and Recommendation, and, for the reasons therein, dismisses plaintiff's complaint with prejudice. Moreover, the Court certifies that any appeal from this Order would not be taken in good faith, as plaintiff's claim lacks any arguable basis in law or fact, and therefore permission

to proceed in forma pauperis is also denied. See 28 U.S.C. § 1915(a)(3); see also Seimon v. Emigrant Savs. Bank (In re Seimon), 421 F.3d 167, 169 (2d Cir. 2005). The Clerk of the Court is directed to close document numbers 34 and 39 on the docket sheet of this case, and to enter judgment.

SO ORDERED.



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JED S. RAKOFF, U.S.D.J.

Dated: New York, New York  
March 29, 2012